PART IV

Section 1-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION

(LAW DEPARTMENT)

No. LAW 70 LCA 65, Bangalore, dated 22nd September 1965
(Bhadrapada 31, Saka Era 1887)

Ordered that the Hindu Religious Endowments Bill, 1965 (Central Bill No. 47 of 1965), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 16th August 1965, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

B. RAMACHANDRA RAO,
Under Secretary to Government I/c.,
14 *Law Department.*

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th August, 1965 :—

BILL NO. 47 OF 1965

A Bill to provide for the better supervision and more effective administration of Hindu public religious endowments and for matters connected therewith.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Hindu Religious Endowments Act, 1965.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) This section shall come into force at once, sections 3 to 13 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and the rest of this Act shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed by the State Government for different provisions thereof.

2. *Definitions and interpretation.*—(1) In this Act, unless the context otherwise requires,—

(*a*) "commencement of this Act", in relation to any provision of this Act, means the date of the coming into force of that provision;

(*b*) "Commissioner" means the Commissioner of Hindu Religious Endowments appointed under sub-section (1) of section 5 and includes a Deputy Commissioner and an Assistant Commissioner appointed under sub-section (2) of that section while exercising the powers and discharging the functions of the Commissioner in accordance with the provisions of that sub-section;

(*c*) "Council" means the Central Religious Endowments Council constituted under section 8;

(*d*) "manager" in relation to a religious endowment means a person who either alone or in association with any other person administers, manages or otherwise deals with the endowment;

(*e*) "math" means a Hindu religious institution with properties attached thereto and presided over by a person, the succession to whose office is regulated by rules of succession laid down by the founder or by practices, usages or customs of the math relating to such succession and—

(i) whose principal duty is to engage himself in the teaching and propagation of Hindu religion

and philosophy and the teachings and philosophy of the denomination, sect or *sampradaya* to which the math belongs and in imparting religious instruction and training and rendering spiritual service to a body of disciples ; or

(ii) who exercises or claims to exercise headship over a body of disciples,

and includes any place or places of religious worship, instruction or training which are appurtenant thereto ;

(*f*) "person interested" means,—

(i) in the case of a math, the founder of the math or any descendant of such founder or a disciple of the math or a person belonging to the denomination, sect or *sampradaya* to which the math belongs ;

(ii) in the case of a temple, the founder of the temple or any descendant of such founder or any person who is entitled to attend or is in the habit of attending the performance of worship or service in the temple or who is entitled to partake or is in the habit of partaking in the benefit of the distribution of gifts and offerings thereat ;

(iii) in the case of a specific endowment, a person who is entitled to attend, or is in the habit of attending, the performance of the specific service or charity for which the specific endowment has been created or who is entitled to partake, or is in the habit of partaking, in the benefit of such service or charity ;

and includes the trustee of a math or temple ;

(*g*) "prescribed" means prescribed by rules made under this Act ;

(*h*) "priest" includes a shebait by whatever name called (where such shebait performs or conducts any *archana, puja* or ritual), an *archaka*, a *pujari* and a *panda ;*

(*i*) "public temple" means any place by whatever designation known (whether or not the image of any deity

or images of deities is or are installed and consecrated therein), which is used, whether—

(i) by virtue of any dedication to or for the benefit of the Hindu community or any section thereof, or

(ii) by virtue of any practice, usage, custom or otherwise,

by the members of the said community or section as a place of public religious worship, prayer or other religious service ;

Explanation.—A temple which is located and maintained in a private dwelling house shall be deemed to be a public temple if—

(*a*) the members of the Hindu community or any section thereof have, by virtue of any practice, usuage, custom or otherwise, unrestricted access thereto for the purpose of religious worship, prayer or other religious service, and

(*b*) gifts and offerings are received by the trustees or priests of the temple from such members at the time of or in connection with such worship, prayer or other religious service or on the occasion of any *utsava* or festival or the like ;

(*j*) "religious endowment" or "endowment" means a math or a public temple and all property belonging to or given or endowed for the support of such math or temple, or given or endowed for the performance of any service or charity of a public nature connected therewith and includes the premises thereof but does not include any gifts of property or any offerings made as personal gifts to a trustee, priest, service-holder or other employee of such math or temple ;

(*k*) "specific endowment" means any property or money endowed for the performance of any specific service charity in a math or temple ;

(*l*) "Tribunal" means the Religious Endowments Tribunal constituted under section 10 ;

(*m*) "trustee" means any person whether known as *methadhipathi, mohant, dharmakarta* or *shebait* or by any other name, in whom either alone or in association with any other person, the administration and management of a religious endowment or specific endowment are vested and includes a manager.

(2) Unless the subject or context otherwise requires, in this Act—

(*a*) any reference to the word "Hindu" shall be constructed as including a reference to the word "Buddhist"; and

(*b*) any reference to a "religious endowment", "endowment" "math" or "temple" shall be construed as including a reference to a Buddhist religious endowment, endowment, math or temple.

3. *Application of Act to Hindu public religious endowments.*—This Act applies to all Hindu public religious endowments, that is to say, to all maths and all public temples.

CHAPTER II

AUTHORITIES

4. *Enumeration of authorities.*—For better supervision and more effective administration of Hindu public religious endowments, there shall be the following authorities charged with such powers and functions as are respectively conferred on them by or under this Act, namely:—

(*a*) the Commissioner;

(*b*) the Central Religious Endowments Council;

(*c*) the Religious Endowments Tribunal;

(*d*) such other authority or authorities as the State Government may, by notification in the Official Gazette,

appoint to aid and advise the Commissioner in the exercise of his powers and the discharge of his functions.

5. *Appointment of Commissioner.*—(1) The State Government shall, by notification in the Official Gazette, appoint a person to be the Commissioner of Hindu Religious Endowments for exercising the powers and discharging the functions conferred on him by or under this Act.

(2) The State Government may, by like notification, appoint as many Deputy Commissioners and Assistant Commissioners as it thinks fit, and every such Deputy Commissioner or Assistant Commissioner shall, subject to the general Superintendence and control of the Commissioner, exercise such of the powers and discharge such of the functions of the Commissioner and within such local limits as the Commissioner may, by general or special order, specify.

(3) A person shall not be qualified for appointment as Commissioner unless he—

(*a*) has for at least ten years held a judicial office in the territory of India ; or

(*b*) has for at least ten years been an advocate of a High Court or two or more High Courts in succession.

(4) A person shall not be qualified for appointment as a Deputy Commissioner or an Assistant Commissioner unless he—

(*a*) has for at least seven years held a judicial office in the teritory of India ; or

(*b*) has for at least seven years been an advocate of a High Court or of two or more High Courts in succession.

6. *Tenure of office and conditions of service of Commissioner, etc., and casual vacancies.*—(1) The tenure of office of the Commissioner, a Deputy Commissioner and an Assistant Commissioner, their salaries and allowances and other conditions of service shall be such as may be prescribed.

(2) Any vacancy in the office of the Commissioner, a Deputy Commissioner or an Assistant Commissioner occurring by reason of death, resignation, removal or otherwise shall be filled in accordance with the rules made under this Act.

7. *General powers and functions of Commissioner.*—(1) Subject to the provisions of this Act, the Commissioner may do all such acts and things as are in his opinion reasonable or necessary to ensure that all Hindu public religious endowments within the local limits of his jurisdiction are properly administered and managed and the income thereof is duly appropriated and applied to the objects for which such endowments were founded or for which they exist, so far as such objects can be ascertained.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Commissioner shall also exercise all the powers and discharge all the functions specifically conferred on him by or under this Act or by or under any other law for the time being in force.

8. *Central Religious Endowments Council.*—(1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Council to be known as the Central Religious Endowments Council.

(2) The Council shall consist of—

(*a*) such number of members not exceeding fifteen as the Central Government may think fit, to be nominated by that Government from among persons who are in its opinion capable of representing—

(i) the Central Government ;

(ii) the Union territory administrations ;

(iii) the *sadhus* and *sanyasis* ;

(iv) the Hindu public religious endowments ; and

(v) such other interests which in the opinion of the Central Government ought to be represented on the Council ;

(*b*) one representative of each State Government to be nominated by that Government.

(3) The Chairman of the Council shall be appointed by the Central Government from among the members nominated under clause (*a*) of sub-section (2).

(4) The Chairman and other members of the Council shall receive such remuneration, if any, and shall be governed by such conditions of service, as the Central Government may determine.

(5) All expenses incurred in connection with the Council shall be defrayed out of the contributions referred to in section 58 in accordance with such directions as may be issued by the Central Government in this behalf.

(6) Any vacancy occurring in the Council shall be filled as soon as may be by nomination as provided in sub-section (2).

(7) The Council shall have power—

(*a*) to regulate its procedure and conduct of business ; and

(*b*) to constitute committees and sub-committees, if any, of its members and to delegate to each of them such of its functions as it thinks fit.

(8) The Council shall have power to act notwithstanding any vacancy therein.

9. *Functions of the Council.*—The Council shall discharge such functions as may be conferred on it by or under this Act.

10. *Religious Endowments Tribunal.*—(1) The Central Government shall, by notification in the Official Gazette, constitute a Tribunal to be known as the Religious Endowments Tribunal.

(2) The Tribunal shall consist of such number of members as the Central Government may think fit, to be

appointed by that Government after consultation with the Council.

(3) A person shall not be qualified for appointment as a member of the Tribunal unless he is a Hindu and—

(*a*) has been, or is, or is qualified to be, a judge of a High Court ; or

(*b*) having held office for at least ten years under the Government, has in the opinion of the Central Government, adequate knowledge of, and experience in, matters of administration and finance ; or

(*c*) has, in the opinion of the Central Government, special knowledge of Hindu scriptures, philosophy, religion and religious practices and experience of the working and administration of Hindu public religious endowments.

(4) The Central Government shall appoint a member of the Tribunal having the qualification specified in clause (*a*) of sub-section (3) to be the Chairman of the Tribunal.

(5) The Chairman and other members of the Tribunal shall receive such remuneration and shall be governed by such conditions of service as the Central Government may determine :

Provided that the remuneration of the Chairman or any other member shall not be varied to his disadvantage after his appointment.

(6) The Central Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(7) All expenses incurred in connection with the Tribunal shall be defrayed out of the contributions referred to in section 58 in accordance with such directions as may be issued by the Central Government in this behalf.

11. *Functions of the Tribunal.*—The Tribunal shall discharge such adjudicating and other functions as may be conferred on it by or under this Act.

12. *Appointment of assessors.*—(1) The Tribunal may in its discretion discharge any of its functions under this Act with the aid of such number of assessors as it may think fit and for this purpose shall, after consultation with the Council, prepare and maintain a list of assessors.

(2) Every assessor shall be a person fit and suitable to give advice to the Tribunal on matters which come up before the Tribunal for consideration.

13. *Procedure of Tribunal.*—(1) The functions of the Tribunal may be discharged by Benches constituted by the Chairman of the Tribunal from among the members thereof.

(2) Every such Bench shall consist of three members possessing respectively the qualifications specified in clause (*a*), clause (*b*), and clause (*c*) of sub-section (3) of section 10.

(3) If during the course of any proceedings any member of the Tribunal is for any reason unable to discharge his functions or relinquishes his membership of the Tribunal, the Central Government may appoint another member in his place in accordance with the provisions of this Act and upon his joining the Tribunal the proceedings shall be continued as if he had been on the Tribunal from the commencement of the proceedings.

(4) In the case of difference of opinion among the members of a Bench, the opinion of the majority shall prevail and orders of the Bench shall be expressed in terms of the views of the majority.

(5) Decisions and orders of a Bench of the Tribunal shall be deemed to be the decisions and orders of the Tribunal itself.

(6) Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure and the procedure of Benches thereof in all matters arising out of the discharge of its functions, including the places at which the Benches shall hold their sittings and while discharging any

adjudicating functions, shall follow the principles of natural justice.

(7) The Tribunal shall, for the purpose of discharging its functions, have all the powers which are vested in the Commissioner by sub-section (2) of section 63; and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and for the purpose of section 196 of that Code and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898).

CHAPTER III

REGISTRATION OF HINDU PUBLIC RELIGIOUS ENDOWMENTS

14. *Register of Hindu public religious endowments.*—The Commissioner shall maintain a register of all Hindu public religious endowments in the State in such form and containing such particulars as may be prescribed.

15. *Application for registration of religious endowments.*—(1) The trustee of every Hindu public religious endowment shall make an application to the Commissioner for the registration of the endowment.

(2) Such application shall be made in such form and manner and accompanied by such fee, not exceeding fifty rupees, as may be prescribed and shall, as far as may be, contain the following particulars, namely :—

(*a*) the name or designation by which the religious endowment is or shall be known ;

(*b*) the name and address of the trustee and the manager ;

(*c*) the mode of succession to the office of trustee ;

(*d*) the movable and immovable properties pertaining to the endowment and a description thereof sufficient for their identification ;

(*e*) the approximate value of the movable and the immovable properties of the endowment ;

(*f*) in the case of a religious endowment existing at the commencement of this Act, a statement of the gross income annually received and of the expenses annually incurred in connection with the religious endowment, during the period of three years immediately preceding such commencement ;

(*g*) in the case of a religious endowment created after such commencement, an estimate of the gross income which is likely to be received, and of the expenses which are likely to be incurred, annually, in connection with the religious endowment, during the period of three years immediately following the date of the creation of the endowment ;

(*h*) such other particulars as may be prescribed.

(3) Every application shall be accompanied by a copy of the endowment deed or if no such deed has been executed or a copy thereof cannot be obtained, the application shall contain full particulars as far as they are known to the applicant, of the origin, nature and object of the endowment.

(4) Every application shall be signed and verified by the applicant in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908) for the signing and verification of pleadings.

(5) The Commissioner may require the applicant to supply such further particulars or such information relating to the endowment as the Commissioner may deem necessary.

(6) Every application for registration shall be made—

(*a*) in the case of a religious endowment existing at the commencement of this Act, within six months next following such commencement, and

(*b*) in the case of a religious endowment created after such commencement, within six months next following the date of the creation of the endowment.

16. *Inquiries for registration.*—(1) On the receipt of an application under section 15, the Commissioner shall in the prescribed manner make such inquiries as he thinks fit in respect of the application and the correctness of the particulars therein mentioned and may, in addition, make an inquiry in respect of all or any of the following matters, namely :—

(*a*) whether there is an endowment and whether such endowment is a Hindu public religious endowment ;

(*b*) whether any property is the property of such religious endowment ;

(*c*) whether the whole or any substantial portion of the endowed property is situated within the local limits of his jurisdiction ;

(*d*) the origin, nature and object of such endowment ;

(*e*) the gross average annual income and expenditure of such endowment ;

(*f*) any other matter which may be prescribed.

(2) If on an application made to him by a person interested in a religious endowment or otherwise, the Commissioner has reason to believe that there is a religious endowment which should be registered under this Act, he may make such inquiries as he thinks fit in respect of the matters specified in sub-section (2) of section 15 and sub-section (1) of this section ; but no inquiry shall be made without giving the trustee a reasonable opportunity of being heard.

(3) On the completion of an inquiry under this section, the Commissioner shall record his findings with the reasons therefor in respect of the matters inquired into and make an order in relation to the religious endowment.

17. *Entry in register.*—Where an order for registration of a religious endowment is made under section 16, the Commissioner shall cause the entries in respect thereof to be made in the register (maintained by him under section

14) in accordance with the findings recorded under sub-section (3) of section 16.

18. *Amendment of register.*—(1) Where any change occurs in any of the entries made in the register maintained under section 14, the trustee shall, within ninety days from the date of such change, send by post a report to the Commissioner in the prescribed form giving notice of the change.

(2) On the receipt of a report under sub-section (1) or otherwise, the Commissioner may hold an inquiry for ascertaining whether any change has occurred in any of the entries recorded in the register in relation to the religious endowment.

(3) If the Commissioner, after holding such inquiry, is satisfied that a change has occurred in any of the entries made in the register, he may make an order to that effect and shall cause the relevant entry in the register to be amended accordingly.

19. *Special provisions with respect to religious endowments registered under any other law.*—(1) Where any Hindu public religious endowment has been registered in a State before the commencement of this Act under any other law with respect to religious endowments in force in that State, the religious endowment shall, as from such commencement, be deemed to have been registered under this Act.

(2) The Commissioner shall issue a notice by post to the trustee of such endowment for the purpose of making the entries relating thereto in the register maintained under section 14.

(3) The trustee of such religious endowment shall, as far as may be, supply to the Commissioner the particulars referred to in Section 15 within three months from the date of the receipt of the notice referred to in sub-section (2).

(4) The Commissioner may, after such inquiries as he thinks fit, record his findings with reasons therefor in respect of the matters specified in sub-section (2) of section 15 and sub-section (1) of section 16 and make an order in relation to the endowment and the provisions of section 16 and 17 shall, as far as may be, apply to such order.

20. *Furnishing copies of extracts from register.*—(1) The Commissioner may, on application made to him in this behalf, furnish to the applicant copies of any extracts from the register maintained under section 14 on payment of such fee not exceeding one rupee for every one hundred words or fractional part thereof required to be copied, as may be prescribed and subject to such conditions, if any, as may be determined by the Commissioner.

(2)Such copies may be certified in the manner provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872).

21. *Civil courts not to entertain suit on behalf of an unregistered religious endowment.*—(1) No civil court shall entertain a suit for the enforcement of a right on behalf of a Hindu public religious endowment unless such endowment has been, or is deemed to be, registered under this Act.

(2) The provisions of sub-section (1) shall also apply to a claim of set-off or other proceeding to enforce a right on behalf of a Hindu public religious endowment which has not been, or is not deemed to be, registered under this Act.

CHAPTER IV

ADMINISTRATION AND MANAGEMENT OF HINDU PUBLIC RELIGIOUS ENDOWMENTS

22. *Appointment and succession to office of trustee.*—(1) The appointment and succession to the office of a trustee of a Hindu public religious endowment shall be

regulated by the rules, practices, usages or customs of the religious endowment with respect to such appointment or succession.

(2) Neither the head of a Hindu public religious endowment nor any other trustee thereof shall have the power to alter, amend, modify or rescind any such rules, practices, usages or customs except with the permission in writing of the Tribunal.

23. *Hindu Succession Act*, 1956, *not to apply to succession to office of trustee.*—For the removal of doubts, it is hereby declared that the provisions of the Hindu Succession Act, 1956 (30 of 1956) shall not apply to and in relation to the succession to the office of a trustee of a Hindu public religious endowment.

24. *Disqualifications for trusteeship.*—A person shall be disqualified for being appointed, or succeeding, to the office of a trustee of a Hindu public religious endowment—

(*a*) if he is of unsound mind and stands so declared by a competent court ;

(*b*) if he suffers from any such physical disease or defect as renders him unfit or incapable to perform the duties of his office ;

(*c*) where a trustee is, by rules, practices usages or customs of the endowment, prohibited from marrying, if he has married ;

(*d*) if he lives an immoral, vicious or scandalous life ;

(*e*) if he has been convicted of any offence involving moral turpitude ;

(*f*) notwithstanding anything contained in the Caste Disabilities Removal Act, 1850 (21 of 1850), if he does not belong to the denomination, sect or *sampradaya* to which the religious endowment belongs.

25. *Removal of trustee.*—A trustee may be removed from his office on the ground that he is, or has become,

subject to any of the disqualifications mentioned in Section 24 or on the ground—

(*a*) that he has neglected or failed to discharge the functions of his office ; or

(*b*) that the affairs of the religious endowment have not been properly managed or have been mismanaged ; or

(*c*) that he is guilty of misappropriation of any endowment property.

26. *Disputes relating to office of trustee to be decided by Tribunal.*—(1) In any of the following cases, that is to say,—

(*a*) when there is any dispute as to the disqualification of a person for being appointed or succeeding to the office of a trustee on any of the grounds specified in section 24 or as to the removal of a trustee under section 25 ; or

(*b*) when the person entitled to succeed to the office of trustee is a minor and has no guardian fit and willing to act as such or when there is a dispute as to the person who is entitled to act as guardian ; or

(*c*) when the trustee entitled to nominate his successor in office is unable or unfit to do so by reason of his removal from office or otherwise ; or

(*d*) when there is no person eligible to become a trustee ; or

(*e*) when there is dispute as to the right of any person to act as, or to succeed to the office of, a trustee, the case shall be referred to the Tribunal for decision.

(2) Every case under sub-section (1) shall be stated in the form of an application which shall be presented to the Tribunal or such officer thereof as it may appoint in this behalf.

(3) Every such application—

(*a*) shall contain a concise statement of the circumstances and materials upon which the person making the application relies in support of his allegation,

(*b*) shall be signed and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the signature and verification of a plaint in a suit.

(4) The Tribunal may, after issuing notice in the prescribed manner to every person who appears to it to be interested in the endowment and holding such inquiry as it thinks fit, make such order in the case (including an order appointing a fit person to be the trustee of the endowment or to discharge the functions of a trustee or to be the guardian of a minor trustee) as it deems fit :

Provided that in appointing a person to the office of a trustee or to discharge the functions of a trustee or to be the guardian of a minor trustee, the Tribunal shall select a person of the denomination, sect or *sampradaya* to which the endowment belongs.

27. *Power of Commissioner to suspend trustee pending order of Tribunal.*—(1) Pending the order of the Tribunal under sub-section (4) of Section 26, the Commissioner may—

(*a*) suspend from office on any of the grounds specified in Section 24 or Section 25, the trustee of a religious endowment if in the opinion of the Commissioner such suspension is immediately necessary in the interests of the endowment ; and

(*b*) appoint a fit person to discharge the functions of the trustee during the period of such suspension.

(2) The Commissioner shall, as soon as possible, report to the Tribunal any action taken by him under sub-section (1).

28. *Trustee to deliver possession of property.*—Where a trustee has been removed from his office by an order of the Tribunal under section 26 or suspended from his office by an order of the Commissioner under section 27, the Tribunal or, as the case may be, the Commissioner shall direct the trustee so removed or suspended to deliver possession of the

endowment property to the person who has succeeded to the office of the trustee by virtue of the order of the Tribunal or who has been appointed by the Tribunal or the Commissioner to discharge the functions of the trustee.

29. *Administration and management of Hindu public religious endowment to vest in trustee.*—Subject to the provisions of this Act, the administration and management of every Hindu public religious endowment shall be vested in the trustee thereof and the trustee shall be responsible for the proper and efficient discharge of his functions in relation to the affairs. religious and secular, of the religious endowment.

30. *Preparation and maintenance of register of Hindu public religious endowments.*—(1) The trustee of every Hindu public religious endowment shall prepare and maintain a register in such form as the Commissioner may direct, showing—

(*a*) the origin and history of the Hindu public religious endowment and the names of past and present trustees and particulars as to the rules, practices, usages or customs regarding the succession to the office of trustee ;

(*b*) the particulars relating to the administration and management of the endowment and the scale of expenditure incurred in connection therewith ;

(*c*) the names of all offices to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case ;

(*d*) the jewels, gold, silver, precious stones, vessels and utensils and other morables belonging to the endowment with their weights and estimated values ;

(*e*) the particulars of all immovable properties belonging to the endowment and of all title deeds and other documents relating thereto ;

(*f*) the particulars of the idols and their images of the endowment, whether intended for worship or for being carried in processions or for any other purpose ;

(*g*) the particulars of ancient or historical records relating to the endowment with their contents in brief ; and

(*h*) such other particulars as may be required by the Commissioner.

(2) The register shall be verified and signed by the trustee of the religious endowment concerned or by his authorised agent and submitted by him to the Commissioner within three months from the commencement of this Act or, as the case may be, from the date of the creation of the religious endowment or within such further period as may bc allowed by the Commissioner.

(3) The Commissioner may, after receiving the register, direct the trustee to make such additions, alterations or omissions in the register as the Commissioner may deem fit.

(4) The trustee shall carry out the orders of the Commissioner and then submit three copies of the register as corrected to the Commissioner for approval.

(5) One copy of the register as aproved by the Commissioner shall be furnished to the trustee.

(6) The trustee or his authorised agent shall scrutinise the entries in the register every year and submit to the Commissioner for his approval asigned and verified statement showing the additions, alterations or omissions required in the register and the provisions of sub-section (3), subsection (4) and sub-section (5) shall apply in relation to such statement as they apply in relation to the register.

31. *Power of Commissioner in cases of mismanagement.*—(1) Where, on receipt of any report of thc auditor in respect of any Hindu public religious endowment or on an application made in this behalf by two or more persons interested in the endowment or otherwise, the Commissioner has reason to believe that the affairs of the endowment are being mismanaged or that the trustee is neglecting or failing to discharge his functions in relation to the endowment in a proper and efficient manner, the Commissioner may, after

issuing notice in the prescribed manner to the trustee and to such other persons as may appear to the Commissioner to be interested in the endowment, hold an inquiry into the matter in such manner as may be prescribed.

(2) If, after holding an inquiry under sub-section (1), the Commissioner is satisfied—

(*a*) that the affairs of the religious endowment are being mismanaged or that the trustee is neglecting or failing to discharge the functions of his office, or

(*b*) that the trustee is guilty of misappropriation of any endowment property,

the Commissioner may, without prejudice to any other action that may be taken against the trustee under any of the foregoing provisions of this Act, make an order giving directons to the trustee for the proper and efficient administration and management of the endowment or for the discharge of the functions of his office, or directing the trustee to pay to the endowment such amount not exceeding the amount of loss caused to the endowment as the Commissioner thinks fit.

32. *Budget of religious endowments.*—The trustee of every Hindu public religious endowment shall prepare before the close of every financial year in such form and within such time as may be prescribed, a budget of the estimated income and expenditure of such endowment for the next financial year and shall forthwith send a copy thereof to the Commissioner :

Provided that nothing in this section shall apply to a religious endowment having an annual income of less than one thousand rupees.

33. *Obligatory expenditure of Hindu public religious endowments.*—The trustee of a Hindu public religious endowment shall, while preparing the budget in accordance

with section 32, make provision for the following objects, namely :—

(*a*) the due maintenance of the objects of the institution and the proper performance of the services therein in conformity with the rules, practices, usages or customs of the endowment ;

(*b*) the payment of the salaries and allowances due to the trustee, priests and other servants of the endowment ;

(*c*) the adequate training of priests, *sadhus*, *sanyasis*, *adhyapakas*, *Vedaparayanikas* and reciters of holy texts ;

(*d*) the repayment of loans binding on the endowment, the repair, renovation or extension of the buildings of the endowment, and the contributions required to be made in pursuance of the provisions of section 44 and section 58 ;

(*e*) the maintenance of a working balance.

34. *Discretionary expenditure of Hindu public religious endowments.*—The trustee of a Hindu public religious endowment may, after making adequate provision for the objects specified in section 33, make provision in the budget of the endowment for all or any of the following objects namely :—

(*a*) the arrangements for providing amenities to *sadhus*, *sanyasis*, disciples, worshippers, devotees, piligrims and other visitors, that is to say, clean accommodation, good water supply, lighting, sanitation and supply of wholesome food where the custom of *Naivedyam* or *Bhog* obtains ;

(*b*) the grant of aid to any other religious endowment in needy circumstances, of the same denomination, sect or *sampradaya* ;

(*c*) the provision and maintenance of flower gardens and *goshalas* ;

(*d*) the propagation of the tenets of the religious endowment and the fundamentals of Hindu *dharma* common to all denominations, sects or *sampradayas* ;

(*e*) the publication of *agamas* and the history of every endowment ;

(*f*) the provision of libraries with religious and philosophical works and publication of religious literature and making the same available to the members of the public either free of cost or at a cheap price ;

(*g*) the provision for religious discourses ;

(*h*) the grant of scholarships and stipends to Hindu students studying in educational institutions where such students undertake, in adition to their normal studies, the study of Hindu religion and philosophy and offer themselves to be examined as regards their progress in such studies ;

(*i*) the promotion of temple architecture, sculpture and fine arts ;

(*j*) the establishment and maintenance of institutions where secular as well as religious education is imparted ;

(*k*) the establishment and maintenance of colleges or institutions for the study of Hindu religion, philosophy, *Vedas* or the *Shastras* or contributions thereto ;

(*l*) the establishment and maintenance of orphanages for Hindu children ;

(*m*) the establishment and maintenance of asylums for persons suffering from leprosy or any other serious disease ;

(*n*) the establishment and maintenance of poor homes for destitute, helpless and physically disabled persons ; and

(*o*) the establishment and maintenance of hospitals and dispensaries for the benefit of *sadhus*, *sanyasis*, disciples worshippers, devotees, pilgrims and other visitors.

35. *Power of Commissioner to make alterations or modifications in budget.*—(1) The Commissioner may, after giving notice to the trustee in the prescribed manner and after considering his represenation, if any, make such

alterations or modifications in the budget as the Commissioner thinks fit.

(2) Nothing contained in sub-section (1) shall be deemed to authorise the Commissioner to restrict or prohibit the observance of any religious practice or the performance of any act in pursuance of any religious belief or to alter or modify any budget in a manner or to an extent inconsistent with the provisions of this Act or with the wishes of the founder of the endowment so far as such wishes can be ascertained.

36. *Utilization of accumulated surplus funds of Hindu public religious endowments for the discretionary purposes.*—(1) With the previous sanction of the Commissioner and subject to such conditions and restrictions as may be prescribed, the trustee of a Hindu public religious endowment may appropriate any portion of the accumulated surplus of such endowment for any of the purposes specified in section 34.

(2) Before giving sanction under sub-section (1), the Commissioner shall publish the particulars relating to the proposal of the trustee in such manner as may be prescribed, invite objections and suggestions with respect thereto and consider all the objections and suggestions received.

(3) The sanction aforesaid shall be published in such manner as may be prescribed.

37. *Power of Commissioner to settle schemes for proper administration of Hindu public religious endowments.*—(1) Where on an application made in this behalf by two or more persons interested in a Hindu public religious endowment or otherwise, the Commissioner is of the opinion that in the interest of the proper administration and management of the endowment, a scheme should be settled for it, the Commissioner may, after issuing notice in the prescribed manner to the trustee of the endowment and to such other persons as may appear to the Commissioner to be

interested therein, hold an inquiry into the matter in the prescribed manner and if, after such inquiry into the Commissioner is satisfied that it is necessary or desirable so to do, he may, by order, settle a scheme for the proper administration of the religious endowment.

(2) The Commissioner may also, in like manner and subject to like conditions, modify any scheme settled under this section or under any other law or substitute another scheme in its stead.

(3) No scheme settled, modified or substituted under this section shall be contrary to the wishes of the founder of the religious endowment so far as such wishes can be ascertained or to the religion to which such endowment belongs.

38. *Application of property cy pres.*—(1) Where from any application made to him by two or more persons interested in a Hindu public religious endowment or a specific endowment or otherwise, it appears to the Commissioner that,—

(*a*) the original objects, in whole or in part, of the endowment or specific endowment—

(i) have been fulfilled as far as may be; or

(ii) either cannot be carried out at all or cannot be carried out according to the directions and wishes of the founder or according to the spirit or the endowment or specific endowment; or

(*b*) the original objects provide a use for part only of the property or income of the endowment or specific endowment; or

(*c*) the property and income of the endowment or specific endowment and any other property applicable to objects similar to the original objects of the endowment or the specific endowment can be more effectively used in conjunction and to that end can suitably be made applicable to common objects regard being had to the directions and

wishes of the founder or the spirit of the endowment or the specific endowment ; or

(*d*) the original objects were laid down by reference to an area, or a class of persons, which has for any reason ceased to be suitable, regard being had to the directions and wishes of the founder or the spirit of the endowment or the specific endowment, or to be practical in administering the endowment of the specific endowment ; or

(*e*) the original objects, in whole or in part, have, since they were laid down,—

(i) been adequately provided for by other means ; or

(ii) ceased as being useless or harmful to public order, morality or health, to be in law religious or charitable objects ; or

(iii) ceased in any other way to provide a suitable and effective method of using the property and income of the endowment or specific endowment, regard being had to the directions and wishes of the founder and the spirit of the endowment or the specific endowment,

the Commissioner may, after issuing notice in the prescribed manner to the trustees of the endowment and to such other persons as may appear to him to be interested therein, hold an inquiry into the matter and if after such inquiry the Commissioner is satisfied that it is necessary so to do, he may, by order, direct that the property and income of the endowment or the specific endowment or so much thereof as he deems fit shall be applied, subject to such conditions, if any, as may be specified in the order, to any other objects which shall be similar, or as nearly as practicable, similar to the original objects or if in the opinion of the Commissioner it is not possible to determine which other objects are similar or as nearly as practicable, similar, to the original objects, to any one or more of the objects specified in Section 34.

(2) In making an order under this section in relation to an endowment or specific endowment, the Commissioner

shall have, as far as may be, due regard to the directions and wishes of the founder or the spirit of the endowment or specific endowment and also to the wishes of the trustees and persons interested in the endowment or specific endowment and no order shall be made directing the application of the property or income of the endowment or specific endowment to any purpose other than a purpose which is recognised by Hindu religion or by the denomination, sect or *sampradaya*, thereof to which the endowment or specific endowment belongs, as a religious, pious or charitable purpose.

39. *Investment of endowment money.*—(1) Where the whole or any portion of the property of a Hindu public religious endowment or of a specific endowment consists of money which cannot be applied immediately or at an early date to the objects to which such money can be applied under this Act or where there is a surplus in the funds of a Hindu public religious endowment or of a specific endowment after meeting all lawful expenditure in connection therewith, the trustee shall, except as otherwise provided in this Act, invest, subject to the directions, if any, contained in the deed of endowment, such money or surplus in the following securities and no others, namely :—

(*a*) securities of the Central Government or a State Government ;

(*b*) stocks, shares or debentures of companies, the interest or dividend on which has been guaranteed by the Central Government or any State Government ;

(*c*) debentures or other securities for money issued by or on behalf of any local authority or corporation in exercise of the powers conferred by any Central Act or any Provincial or State Act :

Provided that the Commissioner may, by general or special order, permit the trustee to invest the money or the surplus in any other manner consistent with the endowment deed and the objects to which such money or surplus may be applied under this Act.

(2) Nothing in sub-section (1) shall affect any investment made before the commencement of this Act.

40. *Alienation of immovable property.*—(1) No transfer by a trustee of any property belonging to a Hindu public religious endowment by way of sale, mortgage, exchange or gift or by way of lease, the term or in the case of a renewable lease, the aggregate term of which exceeds three years, shall be valid unless it is made with the previous sanction of the Commissioner :

Provided that no such sanction shall be given unless the Commissioner is of the opinion that the transfer is necessary in the interests of the endowment.

(2) Where any transfer of property is made in contravention of sub-section (1), the provisions of Section 10 of the Limitation Act, 1963, (36 of 1963) shall apply notwithstanding that such transfer is a transfer for valuable consideration.

41. Archana *or* puja *by unqualified priest not to be allowed in Hindu Public religious endowment.*—(1) No trustee of a Hindu public religious endowment shall, after the expiry of two years from the commencement of this Act, allow any person to officiate as a priest unless such person possesses, subject to such suitable modifications in view of local conditions as may be authorised by the Commissioner, the following qualifications, namely :—

(*a*) a working knowledge of Sanskrit ;

(*b*) a good knowledge of the *mantras*, *agamas* and other relevant *Shastras*, rituals and mode of worship as required by the tenets of denomination, sect or *sampradaya* concerned thereof ;

(*c*) a knowledge of the *Sthalapurana* and traditions of the endowment to which he is, or may be, attached ;

(*d*) proficiency in the regional language or languages so as to enable him to explain with facility the meaning and significance of the *mantras*, *archanas* and

pujas to worshippers, devotees, pilgrims or other visitors; and

(*e*) a good moral character and basic learning so as to inspire reverence in the worshippers devotees, pilgrims and other visitors.

(2) A trustee who contravenes the provisions of this section shall be punishable with fine which may extend to five hundred rupees.

42. *Unqualified hereditary priests to be required to appoint qualified deputies to perform* archana *and* puja.—(1) If any hereditary priest does not possess the qualifications specified in Section 41, he shall appoint a deputy who possesses those qualifications for performing *archana* and *puja* and such deputy shall perform *archana* and *puja* until the hereditary priest or his rescendent acquires the qualifications so specified.

(2) In the matter of appointment of a deputy under this section preference should be given to a qualified person who has a hereditary right to perform *archana* or *puja*.

43. *State Governments to set up schools for training of priests*.—(1) In order to provide facilities to priests to acquire the qualifications specified in Section 41, the State Government shall set up in one or more important Hindu religious centres within the State, schools or institutions for giving training to priests in the *Shastras* and *agamas*, *archana* and *pujapaddhati* and other rituals in accordance with the prescribed syllabus.

(2) The syllabus referred to in sub-section (1) shall make provision for both elementary and advanced training.

(3) The syllabus for elementary training may provide for—

(*a*) a working knowledge of Sanskrit;

(*b*) a knowledge of the *Shastras* and *agamas*, *mantras*, rituals and mode of worship of the respective denominations, sects or *sampradayas* to which the priests belong;

(*c*) a knowledge of the *Sthalapurana* and traditions of the institution to which they are or may be attached ;

(*d*) a good working knowledge of the regional language or languages so as to enable them to explain with facility the meaning and significance of the *mantras*, *archanas* and *pujas* to worshippers, devotees, pilgrims and other visitors.

(4) The syllabus for advanced training shall, in addition to the matters specified in sub-section (3), provide for the study of selected *Shastras* and the *Darshanas* or Philosophies of Hinduism in general with particular emphasis on the tenets of the denominations, sects or *sampradayas* to which the priests belong.

(5) The school or institution shall after the completion of the training, elementary and advanced, hold examinations and grant certificates to the successful candidates both in respect of elementary training and advanced training.

(6) The school or institution shall also provide for courses of training for the priests who are already serving in Hindu public religious endowments and the provisions of sub-sections (2) to (5) shall apply to the priests who join such courses of training.

(7) The school or institution may also provide for refresher courses for the priests holding certificates granted by it.

(8) The school or institution may also make provision for part-time training for such Hindu students studying in secular schools or institutions as may volunteer for such training during their spare time.

(9) The school or institution may initiate and maintain a system of award of stipends to students who are undergoing training therein, preference being given as far as possible to the students from the families of hereditary priests.

44. *Contributions by Hindu public religious endowments towards expenses of schools or institutions.*—Every Hindu public religious endowment shall contribute such percentage of its surplus funds not exceeding five per cent. thereof as may be specified in each case or class of cases by the Commissioner with the approval of the State Government for the purpose of meeting the expenses of the school or institution referred to in Section 43 and the expenses, if any, incurred in connection with the payment of salaries and allowances to the priests and such expenses shall be met from the contributions so received :

Provided that no contributions made by any Hindu public religious endowment belonging to any denomination, sect or *sampradaya*, shall be utilized for meeting the expenses of any school or institution of, or the expenses incurred in connection with the payment of salaries and allowances to priests attached to and serving in, Hindu public religious endowments belonging to a different denomination, sect or *sampradaya*.

45. *Priests not to have any proprietary right to any offerings and jewels, etc.*—Notwithstanding anything in any rules, practices, usages or customs of a Hindu public religious endowment, no priest attached to or serving in such endowment shall, on and after the commencement of this Act, have any proprietary right to any part of the offerings made before the deity installed therein, nor shall he enjoy any right of custody of the jewels and other valuable articles belonging to the endowment :

Provided that a priest shall have a proprietary right to any gift which is specifically made to him and not for the benefit of the endowment, by any worshipper, devotee, pilgrim or other visitor.

46. *Code of conduct for priests.*—The Commissioner shall, after consultation with the Council, prepare a code of conduct for the priests and different codes may be prepared in relation to different classes or categories of priests.

47. *Scale of fees to be paid by worshippers and other visitors.*—(1) The State Government, after consultation with the Council, shall, by rule made in this behalf, specify a regulated scale of fees which may be paid to a priest by worshippers, devotees, pilgrims or other visitors at a temple for services connected with *abhishek, archana, puja, utsava* and the like.

(2) The trustee of every Hindu public religious endowment shall publish the scale of fees so specified, in such manner as may be prescribed and also exhibit such scale of fees in one or more conspicuous parts of the endowment.

(3) The trustee shall supply to every priest, printed receipt books (duly certified by the trustee) in such form as may be prescribed and the priest shall grant receipts from such receipt books to the worshippers, devotees, pilgrims or other visitors for the amounts paid by them.

(4) The Commissioner may, after giving reasonable opportunity of being heard to a priest who obtains payment of fees at a rate higher than the specified rates or who omits to grant receipts for the amounts paid to him, prohibit him either absolutely or for a limited period from officiating as a priest in any Hindu public religious endowment in the State.

48. *Salaries and other conditions of service of* archakas *and* pujaries.—(1) Every *archaka* or *pujari* attached to or serving in a Hindu public religious endowment shall receive such salary and dearness and other allowances as may be prescribed so, however, that the salary paid to an *archaka* or *pujari* shall in no case be less than rupees sixty per month and the dearness and other allowances paid to an *archaka* or a *pujari* shall not be less than those admissible to persons serving in connection with the affairs of the State in the corresponding grades.

(2) Where the income of a Hindu public religious endowment is not sufficient to meet the expenditure to be incurred on account of the salaries and allowances referred to in sub-section (1), such salaries and allowances or any

portion thereof may be paid out of the contributions referred to in section 44.

(3) Other conditions of service of *archakas* and *pujaris* attached to and serving in a Hindu public religious endowment shall be specified by rules made by the State Government in this behalf and such rules may provide for the following among other matters, namely :—

(*a*) the pension and provident funds for *archakas* and *pujaris* ;

(*b*) the punishment by way of fine, suspension or removal from office for misconduct or negligence of duty, disobedience to the directions of the trustee or other authorities concerned with the administration and management of the endowment ;

(*c*) the appeal against any such punishment and the authority to whom such appeal shall be preferred ;

(*d*) any other matter which is by the State Government considered necessary for regulating the conditions of service of *archakas* and *pujaris*.

(4) The trustee of every Hindu public religious endowment shall make endavour to provide free residence to every *archaka* or *pujari* attached to and serving in the endowment.

49. *Licensing of* pandas.—(1) After the expiry of two years from the commencement of this Act, no trustee of a Hindu public religious endowment shall allow any person to act, and no person shall act, as a *panda* unless such person—

(*a*) possesses the qualifications specified under section 41 to perform any religious or other services for worshippers, devotees, pilgrims or other visitors ; and

(*b*) has obtained from the Commissioner a licence granted in accordance with the provisions of this section and the rules made under this Act.

(2) Every person desiring to obtain a licence referred to in sub-section (1) shall make an application in writing to the Commissioner in such form and manner as may be prescribed.

(3) On the receipt of such application, the Commissioner, after such inquiry, if any, as he considers necessary, shall, by order in writing, either grant or refuse to grant the licence.

(4) Where the Commissioner refuses to grant a licence he shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.

(5) The fees on payment of which, the period for which, the conditions subject to which and the form in which a licence may be granted shall be such as may be prescribed.

(6) The Commissioner may, after giving the holder of a licence a reasonable opportunity of being heard, suspend or cancel the licence on the following, or any one of the following grounds namely :—

(*a*) that there has been a breach of any of the conditions subject to which the licence has been granted ;

(*b*) that the holder of the licence has acted as a *panda* in contravention of the provisions of this Act.

(7) Whenever a licence is suspended or cancelled, the licensing authority shall record a brief statement of the reasons for such suspension or cancellation and furnish a copy thereof to the person whose licence has been suspended or cancelled.

(8) A licence granted under this section shall, unless cancelled earlier, continue in force for such period from the date on which it is granted as may be prescribed.

(9) Every licence shall, unless the Commissioner for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence

was originally granted and shall be so renewable from time to time and the foregoing provisions of this section shall apply to the renewal of a licence as they apply to the grant thereof.

50. *Other provisions relating to* pandas.—(1) The trustee of every Hindu public religious endowment shall maintain a register in which the name and other prescribed particulars of every licensed *panda* shall be entered.

(2) Every licensed *panda* shall on demand show his licence to every worshipper, devotee, pilgrim or other visitor at a Hindu public religious endowment.

(3) The State Government shall, after consultation with the Council and the Commissioner lay down the scale of maximum and minimum charges for the various services rendered by the *pandas* at the various Hindu public religious endowments within the State and different scales of charges may be specified for different Hindu public religious endowments or for different classes thereof.

(4) The scale of charges specified under sub-section (3) for very Hindu public religious endowment shall be prominently displayed in one or more than one conspicuous place in that endowment.

(5) Any *panda* who takes more than the maximum charges from a worshipper, devotee, pilgrim or other visitor at the endowment or harasses in any way such worshipper, devotee, pilgrim or other visitor, may be suspended or dismissed by the trustee from the service and the licence granted to such *panda* may also be cancelled.

(6) The trustees of Hindu public religious endowments in important Hindu religious centres shall encourage the *pandas* to organise themselves to act as qualified guides to worshippers, devotees, pilgrims or other visitors who visit those endowments and shall make suitable arrangements for providing a short course of training to the *pandas* for this purpose.

(7) A trustee who contravenes the provisions of this Section shall be punishable with fine which may extend to two hundred rupees.

51. *Common Good Fund.*—(1) It shall be lawful for the Commissioner to create a fund to be called the Hindu Public Religious Endowments Common Good Fund, hereinafter referred to as the Fund, out of the contributions voluntarily made by the Hindu public religious endowments within the State from their surplus funds or by any person, for the renovation and preservation of such endowments, and the buildings and paintings requiring such renovation and preservation and for the promotion and propagation of the tenets common to all or any class of such endowments.

(2) The Fund shall be administered by the Commissioner in such manner as may be prescribed.

52. *Accounts of* padakanikas.—(1) The trustee and the priest of every Hindu public religious endowment shall keep accounts of *pranamis* or *padakanikas*, that is to say, any gift of property or money made to such trustee or priest in his capacity as the head of the endowment or such priest, in such form as may be prescribed.

Explanation.—Any gift of property or money made to a trustee or priest which is not specifically designated as a personal gift to such trustee or priest shall be deemed to have been made to him in his capacity as the head, or as the case may be, the priest of the endowment.

(2) The trustee or the priest shall be entitled to spend the *pranamis* or the *padakanikas* referred to in sub-section (1) in accordance with the rules, practices, usages or customs of the endowment concerned.

(3) Any *pranami* or *padakanika* which is not spent by the trustee or the priest during the tenure of his office in accordance with such rules, practices, usages or customs shall after the termination of such tenure, form part of the property of the endowment.

53. *Maintenance of accounts.*—(1) The trustee of every Hindu public religious endowment shall keep accounts in such form and containing such particulars as may be prescribed.

(2) The accounts kept under sub-section (1) shall be balanced in each financial year on the 31st day of March or such other date as may be fixed by the Commissioner in the case of any particular endowment having regard to the circumstances thereof.

(3) For the purpose of ensuring the proper keeping of accounts of any Hindu public religious endowment, the trustee—

(*a*) shall, where the annual income of the endowment is ten thousand rupees or more, appoint, after consultation with the Commissioner, a suitable person to be a full-time accountant of the endowment ; and

(*b*) may, in any other case, appoint, after such consultation, a suitable person to be a full-time or part-time accountant.

54. *Audit of Accounts.*—(1) The accounts of every Hindu public religious endowment (including the accounts of *pranamis* and *padakanikas* referred to in section 52) having an annual income of not less than five thousand rupees shall be audited annually by an auditor to be appointed by the Commissioner after consultation with the trustee, from among such chartered accountants, within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), as have been approved in this behalf by the State Government : and the accounts of every Hindu public religious endowment having an annual income of less than five thousand rupees, but not less than one thousand rupees, shall be audited annually by such person as may be appointed by the Commissioner after consultation with the trustee.

(2) The auditor shall have access to the accounts, books, vouchers, documents, papers and other records

relating to such endowment in the possession or control of the trustee and may, by written notice, require the attendance before him of any person responsible for the preparation of the accounts to enable the auditor to obtain such information as he may consider necessary for the proper conduct of the audit.

(3) Within a month of the completion of the audit, the auditor shall prepare a report on the accounts audited and submit the same to the Commissioner and deliver a copy thereof to the trustee concerned.

(4) The auditor shall in his report specify all cases of irregular, improper or illegal expenditure or failure or omission to recover monies or other property belonging to the endowment or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of any breach of trust or misapplication of trust property or any other misconduct on the part of the trustee or any other person.

(5) The cost of the audit of accounts shall be borne by the State Government from out of the contributions referred to in section 58.

55. *Inspection and returns.*—(1) The Commissioner, or any officer authorised by him by a general or special order, may—

(*a*) enter into or upon and inspect any endowment property with such assistance as he may consider necessary ;

(*b*) call for on inspect any books, papers, records, correspondence, plans, accounts or title-deeds relating to the endowment in the possession or control of the trustee.

(2) If the Commissioner or any officer authorised by him is resisted or obstructed in the exercise of his powers conferred on him by sub-section (1), the magistrate having

jurisdiction shall, on a written request from the Commissioner or such authorised officer, direct any police officer not below the rank of sub-inspector, to render such help as may be necessary to enable the Commissioner or such authorised officer to discharge the functions in exercise of such power.

(3) The Commissioner or any officer authorised by him under sub-section (1) or the police officer referred to in sub-section (2) shall, before entering into or upon any endowment property, give reasonable notice to the trustee and shall have due regard to the rules, practices, usages or customs of the endowment.

(4) Nothing in this section shall be deemed to authorise any person to enter into or upon any part of the endowment property which is a place of worship or is the *garbhagriha* (*sanctum sanctorum*) or is regarded as specially sacred unless such person professes the religion to which the endowment belongs.

56. *Observance of appropriate forms and ceremonies by Commissioner and others in certain cases.*—The Commissioner and every other person exercising powers of superintendence and control under this Act shall not interfere with, and shall, as far as may be, observe, the forms and ceremonies appropriate to the religious endowment in respect of which powers are exercised and in the case of a religious endowment which is a math, act in conformity with the rules, practices, usages or customs of the math in his dealings with the head of the math.

57. *Determination of question as to whether a temple is a Hindu public religious endowment or not or of question as to custom, usage, etc.*—If any question or dispute arises—

(*a*) as to whether a temple is a Hindu public religious endowment or not ; or

(*b*) as to whether any matter is a matter of religion or any practice is an essential religious practice or not ; or

(*c*) as to any matter of basic importance in relation to the administration and management of any Hindu public religious endowment, which in the opinion of the Commissioner requires adjudication or decision by the Tribunal ; or

(*d*) as to any rule, practice, usage or custom of any Hindu public religious endowment ;

such question or dispute shall be decided by the Tribunal :

Provided that when urgent action is called for, the Commissioner may decide such question or dispute and may in his descretion consult before deciding the question or dispute either the Council or where consultation with the Council is not practicable with reasonable despatch, such persons as he thinks fit, belonging to the denomination, sect or *sampradaya* to which the regilious endowment belongs and possessing in his opinion adequate qualifications making such persons fit for such consultation.

58. *Contributions.*—(1) For purposes of difraying the expenses in connection with the administration of this Act, the trustee of every Hindu public religious endowment, registered or deemed to be registered under this Act, shall pay annually to the State Government in such manner and within such time as may be prescribed, such contributions by way of fees not exceeding three per cent of its gross annual income as the State Government may determine.

(2) If any amount payable as contributions under sub-section (1) is not paid within the time prescribed, it shall be recoverable as an arrear of land revenue.

59. *Trustee to carry out directions of Commissioner and to furnish returns, statistics and accounts.*—(1) The trustee of every Hindu public religious endowment shall

carry out all directions which may be issued to him by the Commissioner under any of the provisions of this Act.

(2) The trustee of every such endowment shall, within such time or such extended time as may be fixed by the Commissioner, furnish to the Commissioner such returns, statistics, accounts or other information as the Commissioner may require.

CHAPTER V

APPEAL AND REFERENCE

60. *Appeals to Tribunal.*—(1) Save as otherwise provided in this Act and unless the context otherwise requires, an appeal shall lie to the Tribunal from every order of the Commissioner made under this Act within a period of sixty days from the date of the making of such order.

Explanation.—For the purposes of this section, the Tribunal shall be deemed to be a court within the meaning of section 5 of the Limitation Act, 1963 (36 of 1963).

(2) The provisions of the Code of Civil Procedure, 1908 (5 of 1908), with respect to appeals from original decrees shall, as far as may be, apply to and in relation to appeals to the Tribunal from the orders of the Commissioner under this section as if such orders were decrees passed by a court exercising original jurisdiction and the Tribunal were a court authorised to hear appeals from the decisions of such courts under that Code.

61. *Finality of orders and decisions.*—The decision of the Tribunal on appeal under this Act and subject only to such decision, the order of the Commissioner from which an appeal lies to the Tribunal under this Act shall be final and conclusive.

62. *Reference of cases to Tribunal by Commissioner.*—(1) If at any time it appears to the Commissioner that a

question of fact or of law relating to any matter dealt with in this Act has arisen or is likely to arise, which is of such a nature and of such public importance that it is necessary or proper to obtain the decision of the Tribunal thereon, the Commissioner may either of his own motion or on the application of any person interested in a Hindu public religious endowment draw up a statement on the question and refer such statement with his own opinion on the question for the decision of the Tribunal.

(2) The Tribunal after hearing the Commissioner and the person on whose application the reference was made and any other person interested in any Hindu public religious endowment who may desire to be heard, shall decide the question so referred setting out the grounds on which such decision is founded and a copy of the decision of the Tribunal shall be transmitted to the Commissioner who shall act, if necessary, according to such decision.

CHAPTER VI

MISCELLANEOUS

63. *Procedure and powers at inquiries.*—(1) Every inquiry made under this Act shall be held, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908), to the trial of suits :

Provided that rules may be made under this Act with respect to the procedure for an inquiry under this Act in so far as the provisions of the Code of Civil Procedure, 1908. are not applicable to such procedure.

(2) The Commissioner shall, for the purpose of making an inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely :—

(*a*) The summoning and enforcing the attendance of any witness and examining him on oath ;

(*b*) the discovery and production of any document or other material object producible as evidence ;

(*c*) the reception of evidence on affidavits ;

(*d*) the requisitioning of any public record from any court or office ;

(*e*) the issuing of any commission for the examination of witnesses ;

(*f*) any other matter which may be prescribed.

64. *Offences and penalities.*—(1) If any person—

(*a*) fails to apply for the registration of a Hindu public religious endowment within the time specified in sub-section (6) of section 15 ; or

(*b*) resists or obstructs the Commissioner or any officer in the exercise of his power under clause (*a*) or clause (*b*) of sub-section (1) of section 55 ; or

(*c*) furnishes or causes to be furnished to the Commissioner any return, statistics, account or other information which is false and which he either knows or believes to be false or does not believe to be true,

he shall be punishable with fine which may extend to one thousand rupees.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made either by the Commissioner or by a Deputy Commissioner or an Assistant Commissioner specially authorised by the Commissioner by writing in this behalf.

(3) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try an offence punishable under this Act.

65. *Jurisdiction of civil courts barred.*—Notwithstanding anything contained in any other law for the time

Central Government or any State Government or the Commissioner or the Tribunal or any member of the Council or any officer or authority under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

68. *Execution of orders of the Commissioner.*—Any order made under this Act which is capable of execution as a decree or order of a civil court shall, on an application made in this behalf of the Commissioner or any person in whose favour such order is made, be enforced by a civil court within the local limits of whose jurisdiction the endowment property or any portion thereof is situate in the same manner as if such order were a decree passed by such court.

69. *Commissioner, etc., to be public servants.*—The Commissioner and every Deputy and Assistant Commissioner shall be deemed to be public servants within the meaning of section 21 (45 of 1860) of the Indian Penal Code.

70. *Application of Act to endowments governed by special enactments.*—Unless the State Government otherwise directs by notification in the Official Gazette, nothing in this Act shall apply to any Hindu public religious endowment or any class of such endowments, to which any special enactment applies.

71. *Powers to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner of nomination of members of the Council;

(*b*) the form and manner of making application for the registration of a Hindu public religious endowment and

the particulars it may contain and the manner of inquiry for the purpose or registration of a religious endowment ;

(*c*) the manner of issue of notice—

(*i*) under sub-section (4) of section 26 ;

(*ii*) for the settlement of a scheme ;

(*iii*) to interested persons before filling any vacancy in the office of trustee ;

(*iv*) in any other case where notice is required to be issued ;

(*d*) the manner of inquiry—

(*i*) into any case under section 26 ;

(*ii*) for the settlement of a scheme ;

(*iii*) where an endowment is mismanaged ;

(*iv*) into any other matter under this Act ;

(*e*) the service of notices and orders under this Act ;

(*f*) the procedure to be followed by the Commissioner in holding an inquiry under this Act ;

(*g*) the form of the register of Hindu pubic religious endowments maintained under section 14 and the particulars it may contain and the form of report notifying any change in the entry in the register ;

(*h*) the levy and collection of fees in respect of any application under this Act for the registration of a Hindu public religious endowment and supply of copies of, or extracts from, the register maintained under section 14 ;

(*i*) the form in which and the time within which the budget in respect of a Hindu public religious endowment may be prepared and the manner of giving notice to the trustee before making any alteration or modification in the budget ;

(*j*) the form and manner in which accounts of Hindu public religious endowments may be maintained and the particulars which such accounts may contain ;

(*k*) the time at which and the manner in which the accounts may be audited ;

(*l*) the form and manner in which any report, return, statistics or other information may be furnished to the Commissioner by any trustee under this Act ;

(*m*) the manner in which and the time within which contributions are to be paid by the trustee of a Hindu public religious endowment ;

(*n*) the conditions of service of priests and the code of conduct to be followed by them ;

(*o*) the syllabus for the training of priests ;

(*p*) the training, and the selection for such training, of *sadhus* and *sanyasis*, the manner of, and syllabus for, such training ;

(*q*) the scales of fees and charges which the worshippers, devotees, pilgrims or other visitors at a Hindu public religious endowment shall pay to the priests for services rendered by them to such worshippers, devotees, pilgrims or other visitors and the manner of publication of the specified scales of fees and charges ;

(*r*) the form of printed receipts which are to be granted by the priests for payments made to them by worshippers, devotees, pilgrims or other visitors and the form in which accounts of *pranamis* or *padakanikas* are to be kept ;

(*s*) the conditions and restrictions subject to which the accumulated surplus of a Hindu public religious endowment may be appropriated by a trustee, the manner of publication of the proposal for the utilisation of such surplus and the manner of publication of the sanction of the Commissioner ;

(*t*) the manner of administration of the Hindu Public Religious Endowments Common Good Fund ;

(*u*) any other matter which is to be or may be prescribed or provided for by rules or with respect to which it is necessary in the opinion of the State Government to make rules.

72. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the

Central Government may, by order, as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty.

73. *Cesser of application of corresponding laws and savings.*—(1) On the commencement of any provisions of this Act in any State, any law applicable immediately before such commencement to Hindu public religious endowments in that State and corresponding to those provisions shall cease to apply to such endowments.

(2) Notwithstanding the cesser of application of any such law, anything done or any action taken (including any appointment made, any direction given, any register maintained, any scheme framed, any rule or order made or any restriction or limitation imposed) under such law in relation to Hindu public religious endowments shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if such provisions were in force when such thing was done or taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Hindu Religious Endowments Commission was appointed on 1st March, 1960, under section 3 of the Commissions of Inquiry Act, 1952, for the purpose of making an inquiry into certain matters connected with Hindu public religious endowments. The Commission submitted its report, containing *inter alia* 114 recommendations to the Government of India on 31st May, 1962. Some of the recommendations relate to general policy and some are of an administrative nature and there are also a few recommendations relating to particular temples and maths. The Commission has emphasized the imperative necessity for undertaking suitable legislation, particularly in States having no legislation governing Hindu relegious endowments, namely, Assam, Punjab, West Bengal and Uttar Pradesh. The Report was laid on the Table of each House of Parliament on 10th August, 1962.

2. As the subject of religious endowments falls in the concurrent field of legislation (entry 28, List III of the Seventh Schedule to the Constitution), the Report was circulated to the State Governments and to the Administrators of Union territories for their views. After considering the comments received from the State Governments and the Administrations of Union territories and the comments sent by various institutions and individuals with reference sto tho Report of the Commission, Government have decided to give effect practically to all the principal recommendations of the Commission in so far as they are capable of implementation by legislation. The Bill is intended to give effect to this decision and will extend to the whole of India except Jammu and Kashmir and apply to all Hindu public religious endowments (that is, to all maths and public temples) including Buddhist religious endowments.

3. The notice on clauses explain the sailent features of the Bill.

NEW DELHI ; A. K. SEN.

The 7th July, 1965.

Notes on clauses

Clause 1.—The Bill when enacted will extend to the whole of India except the State of Jammu and Kashmir because entry 28 of the Concurrent List,—"Charities and charitable institutions, charitable and religious endowments and religious institutions"—has not been extended to the State of Jammu and Kashmir.

Power to bring the Act into force has been given to the State Governments except in respect of clauses 8 to 13 which provide for the Central Council and Central Tribunal. Power in respect of these latter clauses has been given to the Central Government.

Clause 2.—Special attention is drawn to the definitions of "math" "person interested", priest" "public temple" religious endowment" and "trustee"

Clauses 3 *and* 70.—Clause 3 provides that the Act will apply to all Hindu public religious endowments, that is to say, to all maths (*vide* recommendation No. (6) on page 174 of the Report) and all public temples [*vide* the second paragraph of recommendation No. (4) on page 173]. Hindu public religious endowments will include Buddhist religious endowments also. Jain religious institutions have, however, been excluded from the perview of the Bill. The reasons for such exclusion are several and have been noted in the Report of the Hindu Religious Endowments Commission itself. In the first place, Jain religious institutions are managed by elected bodies and are, by and large, very well run; "cases of mismanagement are very few. If and when such cases arise, the acharyas, and sadhus and sangh deal with them and set matters right. Public opinion and public pressure are such that the defaulter ordinarily makes good the loss unless his condition is such as to make it impossible for him to do so," (*vide* para 14 of Chapter IX of the Report). In the second place, Jains do not have any mohant in charge of religious institutions in order to

do anything corresponding to the shebaits of Hindu temples and as a matter of fact their acharyas do not own any property or accept any offerings (*vide* para 6, *ibid.*). In the third place, hereditary trusteeship is not prevalent among the Jains. Trustees keeps the accounts relating to the endowment and submit them to the Sangh every year (*vide para.* 14, *ibid.*). In the next place, the standard of cleanliness maintained in Jain temples is very high. The Jain community takes a great deal of enlightened interest in the maintenance of their shrines and in the maintenance of a proper and serene religious atmosphere surrounding them. The stupendous activity in the direction of repair, expansion and renovation work connected with these temples some of which are of great architectural beauty.... is such that it is worthy of healthy emulation by Hindu temples and organizations (*vide* para. 35, *ibid.*). All these salutary features noted by the Commission in connection with the management of Jain temples may suffer adversely because of possible interference by the various statutory authorities proposed to be set up in the Bill. Accordingly Jain religious institutions have been excluded from the purview of the Bill.

Under clause 70 unless the State Government otherwise directs, the provisions of the Act will not apply to any Hind public religious endowment if in respect thereof there is any special enactment in force such as the Badrinath and Kedarnath Temples, the Puri Temple, the Tirupathi Temple, the Bodh Gaya Temple, etc.

Clause 4.—The various authorities for the effective administration of Hindu public religious endowments have been mentioned in this clause. The principal authorities will be the Commissioner, the Central Religious Endowments Council and the Religious Endowments Tribunal.

Clauses 5 to 7.—These clauses deal with appointment, conditions of service, powers and functions of the Commissioner and his deputies and assistants [*vide* paragraph 17 on page 124-125 and recommendations Nos. (58) and (59) on page 183 of the Report.]

Clauses 8 *and* 9.—Clause 8 provides for the constitution by the Central Government of a Central Religious Endowments Council representing various interests (including sadhus and sanyasis) and the State Governments [*vide* the last portion of the first paragraph on page 126 and recommendation No. (62) on page 183 of the Report.]

Under clause 9, the Council shall perform such functions as may be conferred on it by the Act and the rules made thereunder. It has been provided throughout the Bill that the Commissioner and the State Government shall in respect of several important matters consult the Council before taking action.

Clauses 10 *and* 13.—Clause 10 provides for the constitution of a Religious Endowments Tribunal on an all-India basis and clause 13 provides for the constitution and procedure of the Tribunal [*vide* paragraphs 20 and 21 on pages 127-28 and recommendations Nos. (64) to (69) on pages 184-85 of the Report]. The Chairman of the Tribunal shall be a person who has been, or is, or is qualified to be, appointed as a High Court Judge. The other members shall be persons who have either held senior administrative offices under the Government and have adequate administrative and financial experience for not less than ten years under the Government, or who are specially conversant with Hindu scriptures and religion and religious practices and with the working of Hindu religious endowments.

Clauses 11, 26, 57, 60, 61, 62, *etc.*—These clauses deal with the various important functions of the Tribunal [*vide* paragraph 20 on page 127 and recommendations Nos. (64) and (70) on pages 184-85 of the Report]. The Tribunal will have original as well as appellate jurisdiction. An appeal will lie to the Tribunal from the decisions of the Commissioner and the Tribunal will have exclusive original jurisdiction in regard to certain matters, *e.g.*, (*i*) succession and appointment to hereditary offices, such as hereditary trustees, heads of maths, etc., (*ii*) determination of what are matters of religion or essential religious practices and what are ancillary and unessential accretions, and (*iii*) such

other matters of basic importance in relation to the administration and management of temples, maths, etc., which in the opinion of the Commissioner, require adjudication or decision by the Tribunal.

Clauses 12.—This clause deals with appointment of assessors to aid the Tribunal in the discharge of its functions [*vide* recommendation No. (66) on page 184 of the Report].

Clauses 14 *to* 21.—These clauses deal with registration of all Hindu public religious endowments with the Commissioner.

Clauses 22, 24, *and* 25.—These clauses deal with appointment and succession to the office of trustee, disqualifications for trusteesship, removal of trustees, etc., [*vide* paragraph 24 at page 101 and recommendations Nos. (38) to (41) at pages 180-81 and recommendation No. (57) at page 183 of the Report]. Appointment and succession to office of trustee will be regulated by rules, practices, usages or customs of the religious endowment concerned with respect to such appointment or succession.

Clause 23.—This clause provides that the Hindu Succession Act, 1956, shall not aply to succession to the office of trustee [*vide* paragraph 25 on page 101 and recommendation No. (42) on page 181 of the Report].

Clause 27.—This clause empowers the Commissioner to suspend a trustee in cases of urgency and to report the action taken to the Tribunal [*vide* recommendation No. (63) on pages 183-84 of the Report].

Clauses 28 *and* 29.—These clauses do not call for any comment [*vide* recommendations Nos. (27) and (29) on pages 177-78 of the Report]. The administration and management of every Hindu public religious endowment will vest in the trustee thereof.

Clause 30.—This clause provides for the preparation and maintenance by the trustee of a register in the prescribed form in relation to the religious endowment.

Clause 31.—This clause relates to the power of the Commissioner in cases of mismanagement and is consquent upon the general powers of supervision and control to be exercised by the Commissioner over Hindu public religious endowments.

Clauses 32, 33, 34, 35 *and* 36.—These clauses relate to the preparation of budgets by trustees of public religious endowments and the provisions to be made therein for carrying out obligatory objects and discretionary objects [*vide* recommendations Nos. (28), (30), (31), (34) and (35) at pages 178—80 and recommendation No. (71A) at page 185 of the Report].

Clause 37.—This clause empowers the Commissioner to frame a scheme for proper administration of any Hindu public religious endowment and follows from the general powers of the Commissioner as recommended by the Commission.

Clause 38.—This clause provides for the application of the property *cy press* [*vide* recommendations Nos. (36) and (37) on page 180 of the Report] on the lines of sections 13 and 14 of the U.K. Charities Act, 1960.

Clause 39.—This relates to investment of endowment money in what may be called gilt-edged securities and follows out of the recommendations relating to the proper and efficient management of endowment properties.

Clause 40.—This clause provides for the alienation (by way of sale, mortgage, exchange or gift, or by way of lease for over three years) of immovable property belonging to an endowment only with the previous sanctiòn of the Commissioner and follows more or less recommendation No. (52) and recommendation No. (56) made on pages 182-83 of the Report.

Clauses 41, 42, 43 and 44.—These clauses prohibit *archana* and *puja* in maths and public temples by unqualified priests after the expiry of two years from the commencement of the Act, provide for the qualifications to be possessed by priests the setting up of schools for the training of

priests and the syllabus for elementary and advanced training in such schools and the contributions to be made by the various Hindu public religious endowments towards the expenses of the schools and other institutions [*vide* recommendations Nos. (8), (9), (10) on pages 174-175 and Nos. (31) and (32) on page 178 of the Report].

Clauses 45 and 52.—These clauses provide that trustees and priests should have no proprietary rights over any gifts or offerings, *pranamis* or *padakanikas* made by worshippers, devotees, etc., unless they have been specifically designated as personal to the trustee or priest [*vide* recommendations Nos. (4), (7) and (11) on pages 173, 174 and 175 and recommendation No. (26) on page 177 of the Report].

Clause 46.—This clause provides for the preparation of codes of conduct for the priests by the Commissioner after consultation with the Council [*vide* recommendation No. (14) on page 176 and the latter part of recommendation No. (22) on page 177 of the Report].

Clause 47 and clause 50 (3) to (5).—These provisions seek to regulate all fees paid by worshippers, devotees and other visitors [*vide* recommendations Nos. (15) and (23) on pages 176 and 177 of the Report].

Clause 48.—This clause deals with the emoluments and other conditions of service of *archakas* and *pujaris* [*vide* recommendations Nos. (12) and (13) on pages 175-76 of the Report].

Clauses 49 and 50.—These clauses deals with special provisions relating to *pandas*, their licensing and the prescription of the scale of maximum and minimum charges for the services rendered by them, etc., [*vide* recommendations Nos. (20), (21), (22) and (25) on page 177 of the Report].

Clause 51.—This clause provides for the creation of a Common Good Fund [*vide* recommendation No. (33) on pages 178-79 of the Report] out of contributions voluntarily made by Hindu public religious endowments from their surplus funds or by any person, for the renovation and preservation of such endowments, etc.

Clauses 53, 54 *and* 55.— These clauses are based on recommendations No. (28) on page 178 and (71A) on page 185 of the Report and relate to maintenance of accounts by trustees and their audit, and power of the Commissioner to inspect any endowment property and to call for returns, etc., from trustees.

Clause 56.—This clause is necessary in view of the provisions of the Constitution contained in article 26.

Clause 57.—This clause to which reference has already been made in connection with the functions of the Tribunal is based upon recommendations No. (61) on pages 183 and (64) (b) and (c) on page 184 of the Report.

Clause 58.—This clause deals with the contributions to be made by the various Hindu public religious endowments for the purpose of defraying the expenses in connection with the administration of the Act.

Clause 59.—This clause is ancillary to the general powers of the Commissioner.

Clauses 60, 61 *and* 62.—These clauses deal with appeals to the Tribunal and references to it by the Commissioner.

Clauses 63 *to* 70.—These clauses provide for miscellaneous matters which are incidental or ancillary to the foregoing provisions.

Clause 71.—This clause gives power to the State Government to make rules to carry out the purposes of the Act.

Clause 73.—This clause provides that on the commencement of the Act in any State, any law applicable to any Hindu public religious endowment shall cease to apply to such endowment; actions taken or things done before such commencement under the old law are, however, saved.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 71 of the Bill empowers the State Government to make rules to carry out the purposes of the Act. The matters in respect of which such rules may be made have been specified therein. They relate *inter alia* to the form and manner of making applications for registration of Hindu public religious endowments, the levy and collection of fees in respect of such registration, the form of the register, the manner of making certain inquiries, the service of notices and orders, the form of the budget of a Hindu public religious endowment, the form and manner in which the accounts of such endowment may be maintained and the audit of such accounts, the form and manner in which reports, returns, etc., have to be furnished, the conditions of service of priests and their training, the scales of fees and charges payable to the priests for services rendered by them to worshippers, pilgrims, etc., the conditions and restrictions subject to which the accumulated surplus of the religious endowment may be utilized by a trustee and the administration of the Hindu Public Religious Endowments Common Good Fund. All these matters are matters of detail or of administrative character.

2. The delegation of legislative power is thus of a normal character.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press. B'lore

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